June Quarterly Meeting and Luncheon

Author, Scholar Dr. Cornel West to Deliver Higginbotham Lecture

Dr. Cornel R. West, celebrated author and the current Class of 1943 University Professor of Religion at Princeton University, will deliver the fifth annual Judge A. Leon Higginbotham Jr. Memorial Public Interest Lecture at the Philadelphia Bar Association’s June Quarterly Meeting and Luncheon.

New members of the Association’s Year Clubs will also be honored at the event, scheduled for Thursday, June 19 at the Park Hyatt Philadelphia at the Bellevue, Broad and Walnut streets. Tickets are available for purchase online by visiting www.philadelphiabar.org.

The lecture was inaugurated by the Public Interest Section to honor the memory of the late Third Circuit Court of Appeals Judge A. Leon Higginbotham Jr.

Prior to his appointment at Princeton, West was the Alphonse Fletcher Jr. University Professor at Harvard University teaching in Afro-American Studies and Philosophy of Religion. He graduated from Harvard University magna cum laude, and earned his Ph.D. degree in philosophy at Princeton in 1980. In 1996, he was awarded the James Madison Medal, the highest honor Princeton bestows on graduate alumni.

West taught at Yale, Union Theological Seminary and Princeton University where he was chair of the Department of Afro-American Studies. He is an author of numerous articles and books including The Cornel West Reader, Race Matters and The African American Century.

West was born in Tulsa, Okla., in 1953. His father was a civilian Air Force administrator, and his mother, an elementary school teacher, would continued on page 5
by Audrey C. Talley

On May 20, Philadelphia will have the opportunity to vote in the primary election. This is a mayoral election year for Philadelphia so the mayor, the entire City Council and other municipal offices will be on the ballot.

But don’t count on voters turning out in record numbers. According to the Committee of Seventy, the percentage of the voting age population (VAP) actually voting in a mayoral primary peaked in 1983 at 51.9 percent. The last time anyone even close to that percentage was down to 32 percent. Of course, much of this depends on the candidates and the issues at the time and whether or not there is significant opposition in the primary.

Still, the Committee of Seventy notes that “Voter participation, whether measured by turnout of Voting Age Population, turnout of registered voters, or total votes, has been going down for at least the last thirty years. Reforms such as extending the vote to 18 year olds in the early 1970s and making it easier to register in the 1990s haven’t reversed the decline in participation.”

The situation is so bad that a Committee of Seventy report says that Philadelphia could actually serve as a case study in declining voter participation. In the 1970s and 1980s, citywide turnout of the VAP averaged about 36 percent. Today, the average is about ten percentage points lower than that. This is sad news for our whole system of government. Democracy is ill served when fewer and fewer people vote.

And here’s a telling observation: The Committee of Seventy says that “voters stay away from the booth during these elections because of the confusion and intimidation brought on by trying to decipher judicial races.”

Well, it’s true. The judicial races can and do confuse voters. But this year the bar Association is going to do more to help voters understand the judicial election and the candidates. Based on the findings of our Commission on Judicial Selection and Retention, we’re not only going to tell the voters which candidates are “Recommended” and “Not Recommended” but we’re also going to explain why the judicial races are important and how we arrived at our ratings. We want people to know that judges make decisions that affect every aspect of their lives. And we want voters to understand that our Commission’s ratings are based on sound, thorough, objective, non-partisan evaluations of the candidates. We want to move large numbers of informed voters to the polls to vote in these judicial races. As lawyers, if we do this, we will be helping our justice system and our democracy.

Already, our Web site contains an informative Voters Guide to the Judicial Elections. As the election draws near, you will begin hearing radio spots from our campaign for Qualified Judges. These spots will direct voters to our Web site where a pop-up window will appear with the names of the “Recommended” and “Not Recommended” candidates.

The same list will appear in selected newspapers. People will know which candidates we recommend for judicial office and why we recommend those candidates. Voters will understand why they need to vote in the judicial races and why they need to make an informed decision.

You can help us with this campaign. Direct your friends, colleagues and neighbors to the Association’s Web site at www.philadelphia.org. Copy the list of “Recommended” candidates and e-mail it to others. Or print the list and distribute it. Tell everyone you know to take the list to the polls.

More people should learn about the judicial elections and the candidates. More eligible Philadelphia should vote. We won’t change everything overnight but with your help we can begin to reverse the downward slide in participation.
Federal Courts Committee

Settlement Dos, Don'ts Discussed
by Mary Ellen O'Laughlin

U.S. District Court Magistrate Judge Jacob P. Hart, a fan of late-night talk show host David Letterman, offered his own Top 10 list at the March 10 meeting of the Federal Courts Committee. Judge Hart presented the "Top 10 Reasons Cases Do Not Settle" with five reasons from the plaintiff's lawyers and five from the defense bar.

Plaintiff's counsel contribute to the failure to settle when: (1) their position papers are full of hyperbole; (2) they appear at the settlement conference with multiple documents or numerous deposition transcripts for the court to review, inundating the court with arguments on the merits of the case; (3) they appear at the settlement conference under the assumption that a defendant will pay a plaintiff and the plaintiff's lawyer the same amount to settle the case as the defendant would pay its counsel to try the case; (4) they over-inflate their client with expectations as to the amount of ultimate recovery or only discuss with their client the amount that the client "needs" to settle; and, (5) they do not realize that unlike baseball, there is always crying in mediation and they do not try to control, to the extent they can, their client's histrionics.

Judge Hart said defendants' counsel cause settlement discussions to fail when they: (1) appear at the conference with as many people as possible, in an effort to intimidate the plaintiff; (2) fail to bring the decision maker; (3) assume they will win on summary judgment; (4) make sure their clients buy into the notion that if they settle with this plaintiff it will open up a floodgate of litigation; and (5) make sure their clients tell the mediator that they cannot settle as a matter of principle.

Judge Hart was joined at the meeting by U.S. District Court Judge Lowell A. Reed and U.S. District Court Magistrate Judge Diane M. Welsh.

Judge Hart stated that it is his practice to obtain position papers from each party prior to a settlement conference, with the understanding that the information they contain will not be shared with the opposing party. By doing so it is his intention that counsel for each party will take a good hard look at the case and will assess the risks in an analytical and honest fashion. For this reason, when he receives position papers containing a great deal of hyperbole he realizes that they have been written for the client and not for the purpose of seriously attempting to resolve the matter. With regard to trying to get the defendant to contribute to a settlement its costs of defense, while there is a certain amount of compelling logic to this position, Judge Hart said that this approach fails to take into consideration the fact that ultimately corporations are people and they feel a similar sense of hurt and outrage as do plaintiffs and may determine to pay the money to defense counsel to proceed rather than to plaintiff to settle. He stated that when speaking to a plaintiff he frequently uses a jury verdict sheet to show that the verdict is a "decision tree," and that the jury does not come to the decision about the amount to be awarded until they have decided a number of other issues and that they never get to that dollar sign on the verdict sheet until they have answered the preceding questions in a way that lets them "turn the page."

In discussing the propensity of defense counsel to show up at the conference with numerous people, Judge Hart said that this tactic often causes the opposite of the intended result – it galvanizes instead of intimidating the plaintiff. He suggested that the number

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Philadephia Bar Foundation

Mingey Named Executive Director

Maureen Mingey, former director of new initiatives with the Eisenhower Fellowships, has been named as the new executive director of the Philadelphia Bar Foundation.

Mingey was at Eisenhower Fellowships in Philadelphia since 1996, where she was a senior program officer before becoming director of new initiatives. The Eisenhower Fellowships is an international exchange program that promotes improved relations between nations through the exchange of information and ideas among emerging leaders. "Maureen played a key role in re-energizing the program, and as part of that was responsible for finding new sources of funds to support her program ideas," said Bar Foundation President Gerald A. McHugh.

Mingey has a bachelor's degree in political science from St. Joseph's University (1982) and a masters of business administration from Georgetown University (1991). She also worked as an international trade consultant with the law firm of Dewey Ballantine, staffing an in-house consulting team that served international clients. She also spent three years working for the U.S. House of Representatives as a policy analyst.

"Maureen came highly recommended by people who have worked with her, including many prominent members of the Philadelphia community. She expressed a great deal of interest in taking the position, and we feel very fortunate to have found her. She is available to start service immediately," McHugh said.

"I'm really looking forward to the opportunity," Mingey said. "I know the Foundation is looking to take things to the next level and becoming a presence in the community. I look forward to that challenge as well as working with grantee organizations. The Bar Foundation has a worthy mission that's important to Philadelphia," she said.

Mingey can be reached at 215-238-6334 or by e-mail at mmingey@philabar.org.

Media Two Named Bar Association’s Publishing Agent

Media Two, a Towson, Md.-based custom publishing and marketing company, has been named as publishing agent for the Philadelphia Bar Association's publications.


"We look forward with great anticipation to a new relationship that incorporates the creative approaches in partner-
Pro Bono Corner

Sharpen Your Skills With a VIP Case

by Seth W. Goren

Recent law school graduates are more likely to draft and review documents than show off their skills in a courtroom. Still, many young attorneys long to test their advocacy wings. With this goal in mind, I contacted VIP in 2001 about providing pro bono legal services to a client needing assistance.

I was interested in business litigation and commercial disputes. I had extensive moot court appellate advocacy experience, but lacked actual trial experience. Because I was in a clerkship, I wanted to be sure that I would have a mentor to provide me with guidance and the benefit of her experience. I also wanted to be sure that any case I took would not end up under my judge.

VIP was exceptionally accommodating. First, VIP assigned me a commercial disagreement that was sufficiently low in amount that it would not come before the court in which I was working. Second, VIP put me in touch with Leslie Genstein, an attorney who had significant legal experience and was very generous in giving me advice every step of the way.

Belated by this strong support, I met with the director of the non-profit cooperative that was my client. She outlined how one of the companies with which the nonprofit had contracted had allegedly retained thousands of dollars of commissions and was refusing to remit them to the cooperative. To add insult to injury, the contracting company purportedly had solicited members away from the cooperative in violation of the non-solicitation provision in the agreement.

Fortified with these allegations, I drafted a complaint, reviewed it with my mentor and my client and filed it in Philadelphia Common Pleas Court. I received an answer that consisted, not surprisingly, mostly of flat denials of our allegations. Once in possession of the defendant’s answer, I was able to build a set of discovery documents that were designed to fill in the gaps what I knew about the defendant’s relationship with the cooperative.

Much to my disappointment, the defendant was not as forthcoming in responding to my discovery requests as I had hoped it would be. However, this challenge gave me the opportunity to explore the world of discovery court, where, three motions and two court orders later, I finally received the information I had sought.

This set the stage for a non-binding arbitration hearing to resolve my client’s claim. Armed with multiple binders and a dizzying array of high-lighted citations, I was, in retrospect, a tad overprepared. All the same, after more than five hours of testimony and ten minutes of deliberating, the panel awarded the cooperative nearly $33,000, and I felt like I had won my client a substantial victory.

In the month after the arbitrator’s award, defendant’s counsel and I engaged in efforts to reach a settlement. We were unable to come to an agreement during that time and the defendant appealed that award. Defendant’s counsel telephoned me several months later, however, with an offer to settle the case for $21,500, an offer that my client gladly accepted.

Through my experience with VIP, I had the opportunity to take on my own client, prepare and present my own case and bask in the glow of feeling like I had helped a nonprofit company in need of legal assistance. Perhaps most importantly, I was able to do this with the support and resources necessary to ensure that my work was professional, productive and effective.

CITIZENS PRO BONO

continued from page 1 tough matters. We hope her efforts serve as a model for other lawyers who want to carry out their responsibility to help those who need but cannot afford legal services.

“When I was clerking for Judge Luongo and working downtown, it was distressing to step over homeless people in the street. I wanted to do something to help, so I handed out sandwiches to them. It helped but didn’t do much for the broad-based problems,” said Zelkowitz, who has worked at Dechert since 1984. Before HAP came into existence, Zelkowitz was involved with the Association’s Committee on the Problems of the Homeless and got attorneys to take on some cases involving homeless clients.

“When HAP started, it seemed to combine both things: being able to help the homeless and helping to shape policy. HAP is a wonderful organization of professionals who are a pleasure to work with,” she said.

“I’ve received wonderful support for the work I do for HAP from Dechert as an institution, and from Dechert lawyers, paralegals and law students,” Zelkowitz said, adding that more than 100 people from her firm have volunteered for the project.

“Geanne Zelkowitz’s dedication to providing legal services to the homeless shows how pro bono activity can make a real difference in the lives of others. It is an inspiration to all of us, and a reminder of our important obligation to folks who are not able to help themselves. We are delighted to recognize Geanne, and through her, the many other lawyers who every day donate their expert legal assistance to others who simply cannot afford to pay for legal services,” said Alan M. Feldman, chair of the Citizens Pro Bono Award Committee.

At Dechert, Zelkowitz is an associate in the mass torts and product liability and criminal, investigations and civil fraud groups. Her areas of concentration include plaintiff’s personal injury, product liability and civil litigation. “I have corporate clients and I do good things for them. But when I volunteer for HAP, I know I’m helping change people’s lives,” she said.

Martha Cohen, executive director of the Homeless Advocacy Project, had nothing but praise for Zelkowitz. “She’s been involved as a pro bono attorney with HAP since its inception in 1990. As Dechert’s pro bono coordinator, she’s run 32 annual legal clinics for the homeless at Mercy Hospice and St. John’s Hospice, both in Center City,” Cohen said.

She said Zelkowitz brings Dechert attorneys to these legal clinics where she personally takes on pro bono cases and supervises all of the cases Dechert picks up. “In the past two years, Dechert has opened approximately 80 cases from HAP. She has personally handled 22 of them,” Cohen said. “It’s amazing because it goes on year after year. She’s doing it for the right reasons. She’s committed to helping the people because she has a good heart.”

“HAP feels really fortunate to be able to work with someone who is so dedicated and focused and caring as well as professional and competent,” she added.

Joseph A. Sullivan praised Zelkowitz for the passion she has brought to her work with HAP clients. “She’s an excellent attorney. She cares a great deal about her HAP clients and is always going to go to the mat for them and does what it takes. She’s also actively promoted pro bono work at HAP with her colleagues at Dechert,” he said.

Sullivan said he’s worked personally with her on a number of projects with the HAP board. “She’s always been a terrific, hardworking participant. During my two years at HAP board president, she was instrumental in helping us work out issues that came before the board. She really provided invaluable insights and hard work,” he said.

Sullivan is director of the pro bono program at Schnader Harrison Segal & Lewis LLP. He is co-chair of the Association’s Delivery of Legal Services Committee, a member of the Board of Governors, and former chair of the Public Interest Section.

The Citizens Pro Bono Award is presented by the Philadelphia Bar Foundation and Citizens Bank. Two additional Citizens Pro Bono Awards will be presented to a law firm and a legal department for outstanding pro bono work at the Foundation’s Andrew Hamilton Ball in November.

“Geanne’s been a very dynamic supporter generally of pro bono work and for HAP in particular. It’s very well deserved. There’s no doubt in my mind that she’s the right person to get this award,” Sullivan said.

Send Us Your News, Views, Photos for Publication

The Philadelphia Bar Reporter comes law-related submissions for publication. Articles relating to a specific practice area, commentary, book reviews, and letters to the editors are welcome. Letters must be signed to verify authorship, but names will be withheld upon request.

All submissions will be promptly considered by the Bar Reporter/Edditorial Board. Editors reserve the right to condense for clarity, style and space considerations.

Articles and/or requests for publication may be mailed, faxed or e-mailed and should be directed to: Jeff Lyons, Managing Editor, Philadelphia Bar Reporter, Philadelphia Bar Association, 1101 Market St., 12th floor, Philadelphia, Pa. 19107-2111; Phone: (215) 238-6345. Fax: (215) 238-1267. E-mail: reporter@philabar.org.
Bar's Year Clubs Getting 75 New Members

The newest 75 members of the Philadelphia Bar Association’s 50-, 60-, 65-, 70- and 75-Year Clubs will be recognize at the Association’s June Quarterly Meeting and Luncheon, Thursday, June 19.

Members of the 50-Year Club get a pin and a certificate. All other honorees receive a framed certificate. The June Quarterly Meeting and Luncheon will be held at the Park Hyatt Philadelphia at the Bellevue, Broad and Walnut streets.

50-Year Club
Leonidas A. Allen; Warren M. Ballard; Earle N. Barber; Norman S. Benson; Robert F. Blans; Judge Edward J. Bradley; John J. Brennan; Ralph W. Brenner; Judge Joseph C. Bruno; Francis X. Diebold; Paul B. Dilks Jr.; Joseph S. Elmaleh; Joseph P. Flanagan Jr.; Joseph H. Foster; Max Goldberg; Maxwell P. Gorden; Jack C. Goughan; Bernard Granor; Jon Grossman; Filmore S. Harowitz; Bernard N. Katz; William A. Kelley Jr.; S. Robert Lentv; Frederick A. Levy; Jerome Lipman; Edward W. Madera; Theodore R. Mann; John S. Manos; Domenic Masciantonio Jr.; Thomas F. McDevitt; Anthony S. Minissi; John Micheli; Judge Frank J. Montemuro; Everett H. Murray Jr.; George H. Nofer; Herbert L. Ockes; George J. O’Neill; Stanton S. Oswald; A. Charles Peruto; Esther Polen; Judge Lawrence Pratts; Edward J. Quinn; Judge Mary Charles Rose; Joseph D. Schein; Jerome J. Sheastack; Philip Shuchman; Leonard Speer; John T. Synnestvedt; Allan M. Taba; Joseph R. Thompson; Stanton L. Treister; Nicholas A. Van Neuman; Robert E. Wachs; William D. Webb; and Muntum T. Wright.

60-Year Club
Judge Nicholas A. Cipriani; John A. Eichman; Judge John A. Geis; Joseph Shans; Craig M. Sharpe; and Daniel Sherman.

65-Year Club
David Berger; Morris Chemock; David Cohen; Edward C. Cutler; Henry W. DeLucca; Max Palitz; Harold Sills; Henry R. Sklar; Benjamin B. Solomon; and Frederik Van Derberg.

70-Year Club
Frank Carone; Rose K. Landry; and Herbert G. Marvin.

75-Year Club
Charles L. Cushmore

WEST

continued from page 1

later become the principal. The West family moved a great deal and finally settled in a middle-class neighborhood in Sacramento, Calif.

As a boy, West was greatly impressed by the Baptist church. He had been deeply touched by the stories of parishioners who, only two generations from slavery, told stories of blacks maintaining their religious faith during the most trying of times. He was equally attracted to the commitment of the Black Panthers, whose office was near his boyhood church. It was from the Panthers that West began to understand the importance of community-based political action. But it was a biography of President Theodore Roosevelt that West borrowed from a neighborhood bookmobile that would steer his academic future. West felt an affinity to Roosevelt, as both were asthmatics. He read how Roosevelt had overcome asthma, went to Harvard and became a great speaker. So at 8 years old, even though he wasn’t exactly sure what it was, West decided he would go to Harvard.

And so he did, graduating from Harvard magna cum laude in three years. Martin Kilson, one of West’s professors, recalls him as “the most intellectually aggressive and highly cerebral student I have taught in my 30 years here.”

West then went on to Princeton University, where he received his M.A. and his Ph.D., then went on to head the university’s Department of Afro-American Studies. After renovating that department successfully, West moved to Harvard University where he served as professor of Afro-American Studies and Philosophy of Religion. Recently, he was W.E.B. Du Bois Lecturer at Harvard. His speaking style, formed by his roots in the Baptist church, blends drama, knowledge and inspiration.


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Law Week 2003

YLD Programs Focus on Independent Courts

by Gena Vozzi

In the tradition of uniting legal education with members of the Philadelphia community, the Young Lawyers Division of the Philadelphia Bar Association is once again gearing up for its annual Law Week celebration.

Law Week begins on Monday, April 28, and ends on Saturday, May 3. Law Day, a special day focusing on American heritage of liberty under law and a national day of celebration officially designated by Congress in 1961, occurs each year on May 1. The Philadelphia Bar Association uses the entire week in which May 1 falls to implement a weeklong community-wide education outreach.

Law Week 2003 heralds the theme "Celebrate Your Freedom – Independence Courts Protect Our Liberties." and encompasses a full schedule of community-reaching programs run by volunteer lawyers. Among the programs are Lawyer in the Classroom and Stepping Out for Seniors. Lawyer in the Classroom sends attorneys into Philadelphia city schools to speak with students about the legal profession and their journeys to becoming lawyers. Stepping Out for Seniors once again sends volunteer attorneys into the schools, but this time they engage seniors to discuss the legal implications of turning 18 and being viewed by the legal system as an adult.

The highlight of Law Week annually falls on Wednesday of the week when the YLD brings their Law Fair to The Gallery mall in Center City. A perennial favorite with the community, the Law Fair provides volunteer attorneys to give free legal advice. This year’s Law Fair will be held from 12 to 2 p.m. on Wednesday, April 30 and will also feature a Kid I.D. Program through which parents can have a free photo identification taken of their children.

Law Week wraps up for city high school students with a hands-on program called Lawyer for a Day. On the morning of Friday, May 2, attorneys and students will convene at Bar Association headquarters where groups of students will be paired with an attorney and then set out into a day in the legal community. Most students will sit in on court proceedings and speak with judges about the process, but others may end up perusing city jail cells with an assistant district attorney or joining an associate at his or her Center City firm.

All students will return to the Bar for lunch and a wrap-up program that includes a proclamation from the mayor and inspiring words from local celebrities.

All Law Week activities are under the direction of Chancellor-Elect Gabriel L.I. Bevilacqua and are coordinated by YLD Law Week co-chairs Kim R. Jessum and Louis J. Presenza Jr.

Each year the Law Week celebration enjoys greater and new successes thanks to the many talented attorneys who donate their time to one or more of the Law Week programs. All members of the Bar Association, not just members of the Young Lawyers Division, are encouraged to join the ranks and help make this widely publicized event the most successful to date. To find out how to become involved, contact Jessum at (215) 963-4753 or Presenza at (215) 731-1400.

The following is a tentative list of Law Week activities. Visit www.philadelphiabar.org for more events and further details as they become available.

April 28
• Lawyer in the Classroom, 9 a.m. to 12 p.m.; contact Miriam Koohdary, (215) 665-3959 or Scott Mayer, (215) 569-5616.
• Kick-off event for winners of High School Mock Trial Competition and Debate Contest, noon to 1:30 p.m., contact Tyler Ridgeway, (215) 443-4400.

Tuesday, April 29
• Lawyer in the Classroom, 9 a.m. to 12 p.m.; contact Miriam Koohdary, (215) 665-3959 or Scott Mayer, (215) 569-5616.
• Stepping Out for Seniors; contact Natalie Klyashtorny, (215) 893-3409.
• LegalLineP.M., Philadelphia Bar Association, 1101 Market St., 6 to 8 p.m.; contact Lisa Getson, (215) 564-3030.

Thursday, May 1
• Lawyer in the Classroom, 9 a.m. to 12 p.m.; contact Miriam Koohdary, (215) 665-3959 or Scott Mayer, (215) 569-5616.
• Naturalization Ceremony/Edward F. Chacker Essay Contest; contact Natalie Klyashtorny, (215) 893-3409.
• Final mock trial for Philadelphia Bar Association Mock Trial Competition and Debate Contest; noon to 1:30 p.m., contact Tyler Ridgeway, (215) 443-4400.

Friday, May 2
• Lawyer for a Day, Philadelphia Bar Association, 1101 Market St., 11th floor, 8:30 a.m.; contact Nicole Gerson (215) 985-0700 or Scott Sigman (215) 686-5628.
• YLD Happy Hour, 6 to 8 p.m.; contact Carl Kennedy, (215) 772-7336.

Saturday, May 3
• Same Sex Couples and the Law forum.
• Habitat for Humanity work day; contact Michael Hayes, (215) 772-7311 or Regina Foley, (215) 557-3313.

Masterman High Team Wins Mock Trial Contest

by Natalie Klyashtorny

The student lawyers of Masterman High School were declared the winners of the 2003 John S. Bradway High School Mock Trial Competition Finals.

The finals, held on March 8 at the James E. Beasley School of Law at Temple University, were sponsored by Temple-LEAP (Law, Education and Participation Project) and the Young Lawyers Division of the Philadelphia Bar Association.

The competition began on Feb. 3 with teams from 40 Philadelphia public and Philadelphia area parochial high schools. The teams competed against each other by putting on mock trials, utilizing the 2003 Mock Trial Problem. Day v. Knight—which had been drafted by the state mock trial committee of the Pennsylvania Bar Association Young Lawyers Division. In Day v. Knight plaintiff Dominique Day, a high school junior and star basketball player, was involved in a motor vehicle accident following a party at which defendant Kenny Knight, Day's coach, provided a keg of beer. Day alleged Coach Knight acted negligently by furnishing beer to a minor and by allowing plaintiff to drive while intoxicated.

The finals, presided over by U.S. District Court Judge Clifford Scott Green of the Eastern District of Pennsylvania, pitted St. Hubert Catholic High School for Girls, representing the plaintiff, against Masterman High School, representing the defendant. A distinguished panel of scoring judges that included Association Chancellor Audrey C. Talley, former Chancellor Edward F. Chacker, Philadelphia Bar Association Commissioner Joel Johnson, Barristers’ Association President Kenneth A. Murphy, Philadelphia Bar Association YLD Chair Melissa A. Schwartz and Pennsylvania Bar Association YLD Chair Charles Eppolito judged the students’ performances as each team of students performed opening and closing statements, examined witnesses and made evidentiary objections.

Though the final scores were very close and each team performed a great job, Masterman prevailed over St. Hubert. Both teams went on to compete against teams from all over the Commonwealth in the State Mock Trial Competition Finals in Harrisburg on March 28 and 29. The winner of the State Finals will go on to compete in the National Mock Trial Competition Finals in New Orleans in May.

Natalie Klyashtorny, an associate at Greitzer & Locks, is treasurer of the Young Lawyers Division.
The theme of Law Week 2003 (April 28 to May 3) is “Celebrate Your Freedom: Independent Courts Protect Our Liberties.” This issue does not just affect lawyers, judges and other members of the judicial community. It is an issue facing all Americans. The United States prides itself on fair and impartial justice. Our democracy depends on independent courts where decisions are based on the facts and the relevant law.

In order to protect our democracy, we need to strengthen the independence of our courts. Interest groups and political parties are dumping millions of dollars into targeted judicial campaigns, using negative advertising to influence the voters. As a result of these campaign tactics, the public views judges as politicians. The voters are completely ignoring the candidates’ qualifications. The recent trend in campaign questions whether judges should be elected or appointed.

Proponents of merit selection contend that higher quality judges are placed on the bench. The qualifications of the judicial candidates are generally reviewed by a panel whose members have the proper expertise to evaluate those traits required of a judge. It is also argued that qualified lawyers are more likely to seek a position on the bench through the nominating process, because they do not have to develop political support. The election system is criticized because the voters generally do not know the candidates and have no real criteria for determining which candidates will make good judges. Further, critics believe that elected judges will ignore principles of law in order to gain support for reelection. The defenders of the election system cite the need for democracy. They feel that because judges make the law, the public needs to have a voice in the process. Members of minority groups also feel that they have a better chance to become elected through the political process. Another benefit of the direct election of judges is the competition that occurs between candidates. In a contested election, the voters are educated about the candidates’ viewpoints on crucial issues. If a judge is appointed, his or her personal beliefs may be unknown until they are manifested in an important legal decision.

This debate is obviously personal to each of us. In Philadelphia, we continue to elect our judges. The Philadelphia Bar Association plays a crucial role in the election process. Chancellor Audrey C. Talley recognizes that we need to educate the public about the upcoming judicial election and support those candidates “Recommended” by the Judicial Commission. I am happy to be a part of the Judicial Commission. Until our system changes, I agree that it is imperative to educate the voters on the qualifications of the judges. For many people, our campaign will be their only source of information.

As part of Law Week, the YLD is sponsoring the Edward F. Chacker Essay Contest. Through the generosity of former Chancellor Chacker, we are able to sponsor an essay contest addressing the issue of whether judges should be elected or appointed. The winner receives a $2,000 scholarship. The contest is open to all seniors attending high school in Philadelphia. Law Week is a wonderful way to get involved. If you would like more information or would like to become involved, please contact me.

Melissa A. Schwartz, chair of the Young Lawyers Division, is an associate with Naulty, Sorkineman & McDowell, Ltd. Her e-mail address is mschwartz@naucly.com
Bar Foundation Thanks Hamilton Circle Donors

The Philadelphia Bar Foundation would like to thank the 69 members of the Hamilton Circle who have fulfilled their $20,000 commitment to help fulfill the promise of equal access to justice. Those donors include the following individuals:

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Members of the circle pledge $10,000 each, payable over 10 years, to the Foundation's endowment. The Philadelphia Bar Foundation distributes grants annually to more than 30 law-related public interest organizations that assist the indigent, elderly and disabled, as well as abused women and children in Philadelphia.

For more information about joining the Hamilton Circle, contact the Philadelphia Bar Foundation at foundation@philabar.org or call Melissa Engler at (215) 238-6347.
Cricket Club to Host Annual Golf Classic

by Jeff Lyons

The Philadelphia Bar Foundation’s 15th annual Golf Classic will be held at the Philadelphia Cricket Club in Flourtown this year. Both of the Cricket Club’s courses – Militia Hill and Wissahickon – will be available for play at the June 30 event.

Steve Wahal, the Cricket Club’s assistant golf professional, said the Militia Hill course opened last April. It was built on land owned by the Cricket Club adjacent to the club.

“This is a modern style course,” Wahal said of the facility designed by Dr. Michael Hurstzaan and Dana Fry. Wahal said Militia Hill is being considered as one of Golf Digest magazine’s Top 50 new courses this year.

The par-72 course plays 7,130 yards from the tournament tees. Wahal said the longest hole is the 604-yard, par 5 8th hole. It’s uphill and you drive straight out and it sort of hooks out to the right,” he explained, adding that tee shots are complicated by sand traps near the dogleg.

Wahal said Militia Hill’s signature hole is the 3rd hole, a 406-yard par 4. “It’s an old quarry and you can see it from the old course. Your second shot can hit the green but you have to go over water,” he said.

Militia Hill has a few more hills than the Wissahickon course, Wahal said, and there is also a lot of high fescue grass in the rough beyond the fairway that can make finding a lost ball an “adventure.”

The Wissahickon course was built by A.W. Tillinghast in 1922. Tillinghast also designed legendary golf courses at Winged Foot, Baltusrol and the San Francisco Country Club. It is rated as one of Golf Digest’s 100 best Classical Courses. The 6,905-yard course plays to a par 72. Wahal said Wissahickon has hosted the Pennsylvania State Open and U.S. Open qualifying rounds.

Wahal said Wissahickon’s 9th hole is rated in the top 500 holes in the world by Golf Digest. Said the 459-yard hole is a very difficult, long uphill par 4 with strategic bunkering. “Golf legend” Gary Player said it was one of the best holes he ever played,” Wahal said.

Wahal, who has worked at the Cricket Club for six years, says Bermuda-length shorts are permitted for players.

For more information about playing in this year’s Philadelphia Bar Foundation Golf Classic, contact Melissa Engler at mengler@philabar.org or call (215) 238-6347.

15TH ANNUAL PHILADELPHIA BAR FOUNDATION GOLF CLASSIC
GOLFER REGISTRATION FORM
MONDAY, JUNE 30, 2003 - PHILADELPHIA CRICKET CLUB, FLOURTOWN, PA.

NAME ___________________________ EMPLOYER ___________________________

ADDRESS ___________________________ PHONE/E-MAIL ___________________________

USGA INDEX ___________________________ CLUB AFFILIATION, GOLF SHOP PHONE ___________________________

MY CHECK INCLUDES RESERVATIONS FOR THE FOLLOWING GUESTS:

NAME ___________________________ EMPLOYER ___________________________

ADDRESS ___________________________ PHONE/E-MAIL ___________________________

USGA INDEX ___________________________ CLUB AFFILIATION, GOLF SHOP PHONE ___________________________

NAME ___________________________ EMPLOYER ___________________________

ADDRESS ___________________________ PHONE/E-MAIL ___________________________

USGA INDEX ___________________________ CLUB AFFILIATION, GOLF SHOP PHONE ___________________________

I WOULD LIKE TO PLAY IN A FOURSOME WITH THE FOLLOWING PEOPLE: (INCLUDE NAME, EMPLOYER, PHONE AND EMAIL)

1) ___________________________________________ 2) ___________________________________________

3) ___________________________________________ 4) ___________________________________________

REGISTRATION FEES: THE COST OF PARTICIPATION IS $375.

SPACE IS LIMITED! PLEASE RESERVE YOUR SPOT EARLY AND CHOOSE YOUR COURSE AS RESERVATIONS ARE BEING TAKEN ON A FIRST COME, FIRST SERVED BASIS. PLEASE CHECK YOUR PREFERENCE:

__________________________ ____________________________
MILITIA HILL WISSAHIICKON

I AM UNABLE TO PARTICIPATE IN THE GOLF CLASSIC, BUT I WISH TO MAKE A TAX-DEDUCTIBLE CONTRIBUTION TO THE PHILADELPHIA BAR FOUNDATION IN THE AMOUNT OF $ ________.

PLEASE RETURN REGISTRATION FORM AND FEE TO: PHILADELPHIA BAR FOUNDATION - GOLF CLASSIC, ATTN: MELISSA ENGLER, 1101 MARKET ST., 10TH FLOOR, PHILADELPHIA, PA. 19107-2911.

A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE PENNSYLVANIA DEPARTMENT OF STATE BY CALLING TOLL-FREE WITHIN PENNSYLVANIA (800) 732-0999. REGISTRATION DOES NOT IMPLY ENDORSEMENT.
Champions for Children, the annual benefit event for the Support Center for Child Advocates (SCCA), will be held on Wednesday, May 14 at 5:30 p.m., at First Union Bank, Broad and Walnut streets. The Support Center for Child Advocates welcomes all members of the Philadelphia Bar to join in on this year’s festivities, which include both live and silent auctions, music, cocktails and hors d’oeuvres.

Held in partnership with Philadelphia’s WB17 Cares, a fund of the McCormick Tribune Foundation, Champions for Children celebrates the dedication, hard work and support of SCCA’s honorees, volunteers, agency friends and funders.

This year’s recipient of the Judge Lois Forer Child Advocacy Award will be G. Fred DiBona Jr., president and CEO of Independence Blue Cross, for his support of programs that provide free or low-cost health insurance coverage to uninsured children in Philadelphia.

The Support Center for Child Advocates is America’s oldest and largest pro bono agency dedicated exclusively to children. In the past year, the SCCA has provided legal and social service advocacy to nearly 700 abused, neglected, abandoned and medically needy children. The agency’s mission is “to advocate for maltreated children in Philadelphia, with the goal of securing a permanent, nurturing environment for every child.”

The event is well-attended every year, with 600 people in attendance for last year’s 25th anniversary at the Kimmel Center. This year’s auction will include decorative home art, certificates for the hottest restaurants in Philadelphia, CDs, jewelry, a digital camera, theater tickets, nursery items, music lessons, fun kitchen products and, something that will definitely appeal to some lawyers, a gift certificate for a golf outing. A fabulous quilt featuring the handprints of children served by Child Advocates will be available for bid at the live auction. The quilt will add a colorful and playful touch to any room.

To obtain more information about becoming an event sponsor or to purchase individual and firm tickets in advance, please contact Sandra Lavini at (215) 925-1913, ext. 126, or e-mail her at sandra@advokid.org.

Catherine Pratsinakis, an associate at Montgomery, McCracken, Walker & Rhoads, LLP, is a member of the Editorial Board of the Philadelphia Bar Reporter.
Summit Examines Labor, Employment Law

By Jennifer J. Platzer

Two years of conceiving, planning, coordinating and scheduling paid off on Feb. 27 when the Association's Labor and Employment Law Committee convened a comprehensive Labor & Employment Law Summit designed to give attorneys an opportunity to hear from an impressive array of decision-makers who affect their cases on a daily basis. Former Committee Co-Chairs Scott F. Cooper and Amy L. Rosenberger served as course planners and moderators for the seminar, easing the program along from one speaker to the next.

The morning started off with U.S. District Court Judges Edmund V. Ludwig Sr. and Stewart Dalzell sharing their "View from the Eastern District of Pennsylvania." They opened with some statistics:

- The number of employment discrimination cases filed has remained fairly constant over the past three years, averaging 663 per year, as has the number of such cases disposed of at trial, averaging 23 per year.
- Defense verdicts are increasing in both employment discrimination cases as well as civil trials in general, but employment discrimination plaintiffs have had wildly varying success rates – 17 percent in 2000, 41 percent in 2001, and 22 percent in 2002.
- The median time for disposing all civil trial matters, including employment discrimination cases, is consistently less than one year.

They then turned to positional conflicts issues – such as when an attorney represents plaintiffs in limited cases but generally represents defendants – and concluded that there is no clear answer to the dilemma such conflicts pose.

Chief U.S. Magistrate Judge James R. McLinon was up next, giving some practical pointers regarding settlement conference etiquette. Quoting Oliver Wendell Holmes, he reminded the audience: "The truly great lawyer is the client's master, not his servant." Accordingly, he advised, be prepared to settle the case when you come to the conference. "Just say no" to unrealistic client expectations. Bring your decisionmaker along. Identify every issue at the conference that must be addressed in the final agreement – there are no "standard" provisions. And, even if you are happy with the resolution, don't go.

Philadelphia Common Pleas Court Judge Gene D. Cohen spoke about employment contract disputes and labor union strikes – the most common employment disputes heard in his court. Common-wealth Court Judge Bonnie B. Leadbetter reminded the audience that on her court hear cases on every subject matter other than criminal and domestic relations. Since they have a "generalist" perspective, practitioners should always get back to basics when presenting an argument. Workers' Compensation Judge Pamela A. Sant-oro informed the audience about the significant power that Pennsylvania's 70 workers' compensation judges wield on a daily basis and the impact that the record created in their courtrooms might have on collateral employment cases.

Dorothy Moore-Duncan, regional director of the National Labor Relations Board, stated that petitions for union representation and unfair labor practice charges in Region 4 are at an all-time low – with only 85 such filings in November, December and January combined. Why? Possible explanations include the economy, as workers don't want to "rock the boat." The changing nature of Philadelphia business, from a traditional industrial manufacturing base to one with a more prominent service and technology industry, jobs moving to the South or Southeast, and the existence of dispute resolution alternatives.

James L. Crawford spoke about the Pennsylvania Labor Relations Board's charge filing process and the "hot topic" facing the Board, namely, whether probationary employees have protection under Act 111. Michael A. Marra briefed the audience on the American Arbitration Association's expanded services – conducting union elections as well as administering arbitrations, and producing training programs that fulfill its educational mission.

Michael Hardiman, assistant general counsel of the Pennsylvania Human Relations Commission, gave three valuable tips that can be applied to any agency proceedings: Understand the law and (related regulations) being enforced by the agency; understand the agency's procedures for enforcing the law and carrying out its processes; and, considering the current trends, he noted that claims of sexual harassment and hostile work environment, reasonable accommodation and access, and retaliation are on the rise, and more complainants are naming individual defendants.

Jacqueline H. McNair of the Equal Employment Opportunity Commission and Rachel Lawton of the Philadelphia Commission on Human Relations offered interesting statistics. Averaging 171 days for processing new claims in 2002, the EEOC secured $123 million in benefits for charging parties that year. In the Philadelphia Regional Office, 358 cases were settled through mediation for a total of $6.1 million, while 24 cases were taken to litigation with a total recovery of $700,000. Several of the 358 cases filed with the Philadelphia Commission, 366 have been closed, and $760,000 has been distributed to 92 plaintiffs. They emphasized that employers should never under-estimate a plaintiff, the investigator or the investigation, while potential plaintiffs should never underestimate the power of documents contained in their personnel files.

The evening will feature former Philadelphia Bar Association's Homeless Advocacy Project's April Benefit on Thursday, April 10. The event will be held from 5:30 to 8 p.m. in the Conservation at the Park Hyatt Philadelphia at the

HAP Holding Annual Benefit April 10 at Bellevue

PECO Energy, along with the Verizon Foundation and Philadelphia Suburban Water, will present the Homeless Advocacy Project's April Benefit on Thursday, April 10. The event will be held from 5:30 to 8 p.m. in the Conservation at the Park Hyatt Philadelphia at the Bellevue.

Proceeds from the event will benefit the Philadelphia Bar Association's Homeless Advocacy Project. HAP is a 501(c)(3) nonprofit organization that provides free legal services to homeless individuals, families and nonprofit community groups developing affordable housing and other services for homeless persons in Philadelphia. Since December 1990, more than 300 volunteer attorneys, legal assistants and law students have donated their time and resources to this important project. HAP volunteers have helped more than 8,800 clients and more than 152 community groups.

Through HAP, volunteers have donated legal services worth more than $15.3 million.

The evening will feature complimentary hors'doeuvres, wine, beer and live jazz. An extensive silent auction will be held with a wide variety of items including sports memorabilia, dinners at the best Philadelphia restaurants, original artwork, antiques, collectibles and much more.

For tickets ($45 per person) or for information on sponsorship, please call Marnie Boccella at (215) 523-9588.
Women in the Profession Committee

Expert Offers Tips on Becoming More Powerful Communicator

by Jeff Lyons

Sometimes, gaining control of a conversation is as simple as standing up. “Whoever’s head is highest has the most power,” explained Kirstin Carey, president of Orange Tree Training & Speaking Group. Carey spoke at the March 20 meeting of the Women in the Profession Committee.

Carey said that certain words women use when expressing themselves that imply weakness. “Avoid ‘feeling’ words like believe, think, hope and feel. Instead of saying something like ‘I think this proposal is good,’ say ‘this proposal works.’”

“I don’t want you to communicate like men. It’s going to look weird if you try to do that. I want you to communicate like powerful people,” Carey said.

“Women also need to learn how to say no. It’s not a weak thing to say no. It’s a powerful thing to say no. If you’re swamped with work and your boss wants you to take on another project, just say no. Ask your boss what you should do with all the other work so you can take on this other project. Make your boss see how busy you are,” she said.

Women are also traditionally shy when it comes to negotiating salaries and pay increases for themselves, Carey said. “Learn to ask for things and be specific. You need to justify and quantify why you’re worth,” she said.

E-mail is another powerful communication tool that really shows who you are as a person, Carey said. “She said many people treat e-mail too casually, while in traditional letters, people ‘put on their Sunday best.’ She suggested being thoughtful and aware of spelling and grammar before sending out any kind of written correspondence, be it electronic or traditional mail. 

Posture is also important when it comes to showing how confident you are. “Crossing your arms is a very negative gesture. You need to be more open with your body language. And smile. It shows confidence,” Carey suggested.

Don’t back and forth on your feet. The more stable you are on your feet, the more confident you appear, she said.

Carey also said “faking” your emotions or nonverbal communications is a good way to appear confident.

The way you dress also shows how confident you are. “Blue clothing shows truth and honesty; white shows innocence and red projects power, she said. “To make the best impression in court and appear powerful, wear blue, with white and red accents,” she said.

ESSAY CONTEST

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third year of study during the 2002-03 academic year at one of the following five schools: University of Pennsylvania School of Law; Rutgers School of Law-Camden; Temple University James E. Beasley School of Law; Villanova University School of Law; Widener University School of Law (Delaware Campus). Submissions may not have been published previously, although they may have been prepared in connection with a law school course and must not have been submitted for any other competition during the time when they are under consideration for this competition.

“We see this competition as an important way to encour-

age legal scholarship, provoke discussion of critical legal issues and recognize talented students in the Philadelphia area,” said Audrey C. Talley, Chancellor of the Philadelphia Bar Association. Diane Edelman, assistant dean for legal writing at Villanova University School of Law, and Kathleen D. Wilkinson, a partner with Wilson, Elser, Moskowitz, Edelman & Dicker LLP, are co-chairs of the competition.

In addition to having his or her essay published in The Philadelphia Lawmagazine and on the Bar Association’s Web site, $500 will be awarded. A committee of Philadelphia-area attorneys, professors and judges will evaluate the submissions, considering the following criteria: originality and impor-
tance of topic; thoroughness of research; depth of analysis; organization of analysis; writing style; form, quality and placement of citations; and adherence to the rules of the competition.

A Rule 68 judgment is often a very useful, but underutilized tool in achieving settlements, she noted. When used in a very deliberate, strategic way at the right time in the process it is often very effective.

Judge Hart cautioned the bar from approaching a mediation or settlement conference in the same manner as a trial. A trial is war, he stated, and the judge expects aggressive and fair advo-

cacy, but in mediation, it is the middle ground that is to be explored.

Mary Ellen O’Laughlin, of counsel with HarvyBrandenburg, & Ellis LLP, is a member of the Federal Courts Committee.

Kirstin Carey

Photoby Zwiebel

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FEDERAL COURTS

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be pared down to the decision maker.

Judge Welsh noted that if, for some valid reason, the decision maker cannot be present at the settlement conference and the case does not settle, she requires that person appear at the next settlement conference. She said there is a perception that it is punitive because they believe it is an important service to the bar and to the public. The court wants the lawyers and the clients to be happy with the settlement; it is neither good for the administration of justice nor the bar if clients are unhappy with the settlement. Judge Welsh said that having settlement conferences with the clients present is a way to achieve this goal because it allows clients to see their lawyers as champions of their position and it allows them to hear directly from the other side.

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Mary Ellen O’Laughlin, of counsel with HarvyBrandenburg, & Ellis LLP, is a member of the Federal Courts Committee.
Career Corner

Laterals Have Issues to Consider Before Moving

by James LaRosa and Gary Mintz

Lateral and practice groups with significant portable business, whether they be partners, associates or of counsel, continue to be highly sought after commodity. As the economy in 2002 caused many firms to see a decrease in revenue and profits, along with a greater turnaround time on collecting receivables, finding additional sources of revenue has become increasingly important. Many large firms continue to strive to be able to provide their clients with one-stop shopping. If you think it comes to technology needs, thus seeking to expand into new practice areas through lateral hires and acquisitions.

At the same time, individuals and practice groups with substantial business have come to recognize their value in this marketplace and are often looking for the firm that will provide them with the best compensation package, which often equates to which firm will let them keep the biggest percentage of what they generate. Individuals and practice groups also continue to be attracted to firms that provide them with the platform to expand their business to new practice areas by providing a full range of legal services to their clients.

Although both laterals and firms continue to aggressively explore new options, 2002 also saw both groups become more cautious. Because of numerous accounts of unsuccessful mergers, both locally and nationally, firms have expressed greater concern regarding the ability of individual or groups being able to deliver the business they project, while individuals and groups are looking more closely to make sure the grass is actually greener before they make a move to a new firm.

What monetary amount of portables makes a partner or practice group attractive to prospective suitors? The answer depends on many factors, including the amount and structure of the compensation package you and/or your group requires; how expensive it will be to support you or your group with support staff, etc.; the nature of the work that you have or feel confident that you can develop, with special emphasis on how strong your relationship is with your current clients; and whether the work that you bring will be enough to sustain you and/or your group without needing to have work supplied from other members of your new firm.

With that being said, an attorney with portables generally needs at least $400,000 to $600,000 (per attorney) of annual portable business to be attractive as a business-generating partner with a mid-size firm in this region, and approximately $500,000 to $1 million to be attractive to a large firm. Small and medium-size firms may have an interest in attorneys with less than $400,000 in business. Of course, the base compensation structure of small and medium-size firms often will not be comparable to the large firms. When individuals or practice groups contemplate a possible move, it is imperative that they take a very critical look at their true value. While this would seem to be an obvious exercise to undertake, all too often individuals or groups do not closely explore their

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Solo and Small Firm Committee

Experts: Upgrade Technology and Get Online

by Jeff Lyons

For solo and small firm practitioners, it seems like everything costs twice as much.

"Attending and paying for CLE costs us billable hours. How can we spend money to make money?" asked Harold Goldner, a technology expert and member of the Association's Solo and Small Firm Committee.

Goldner and Lisa Goldstein, a client development consultant with FindLaw, discussed ways solo and small firm practitioners can use technology to save time and money at the Feb. 28 meeting of the Association's Solo and Small Firm Committee.

Goldner has been working with computers and taking them apart in his practice since "there were computers available for my office."

"People don't think about the cost of time. Having the best technology available will save you time and money," he explained.

"You have to have a computer. There's no way around it," Goldner said. "If you think it comes to technology, he suggested getting a computer with a Pentium 4 processor running at 1.6 gigahertz or higher. This computer should also have at least 512 megabytes of RAM, a 40 to 60-gigabyte hard drive, a CD-ROM drive, a CD-RW drive (to "burn" compact disc) and Ethernet network card as well as time and billing, case management, conflicts management and financial applications.

Goldner said you can expect to pay about $3,000 for this system and the peripherals that go with it. Include a scanner, Adobe Acrobat Writer software and a personal digital assistant on your shopping list. An ideal PDA for new users, Goldner says, is the Palm M130, which retails for about $199.

Once you have all your computers online and working, Goldstein said you need to get your office on the Internet.

"More and more people are going online. Your clients are going online, you need to be where they are," she told committee members.

People need to consider design, content and traffic of their Web sites when designing them, Goldstein said. "The content has to be compelling. You must effectively communicate your firm's image and expertise," she said. A way of doing that would be to post current resources and articles so you can communicate your message.

"You need to tell your unique story so clients know why they should come to you," she said. One way of accomplishing that is to include testimonials from satisfied clients.

When designing a Web site, Goldstein said it needs to be easy to navigate and must be pleasing to the eye. "Don't have a Web site that's like a billboard in Antarctica," she said. "People need to see it. Get your site listed with search engines, Internet yellow page directories and legal portals."

Goldstein said there are software applications available so you can design your own Web site. There are also companies that will do the work for you. Keep in mind there will be costs involved. Domain names, Web hosting and design should all be factored into your technology budget.
Director Makes Oscar Winner ‘Chicago’ Sing

by Marc W. Reubin

Midway through a sitting at Rob Marshall’s film of the Kander and Ebb musical ‘Chicago,’ I was struck by the wonderful realization that I was enjoying the performances of people who, with one exception, were not accomplished musical performers. This is a tribute to direction and it doesn’t often happen as flawlessly as Marshall managed it in this film.

The art of making feeble performers into stars is an accomplished one. Busby Berkeley made the tremendously untalented Ruby Keeler a screen legend, and she was the only tapper who ever became a famous dancer without ever bending her knees. The amazing accomplishment of Berkeley was that he actually photographed Keeler dancing in long shots, so that you could see the entire tragedy. But Mrs. Jolson was surrounded by that fabled geometric staging that made Warner musicals such eye openers in the 1930s.

It worked well. Here we have the story of Rosie Hart, fabled Chicago murderess of the 1920s, played by Renee Zellweger. Cute as she is, Zellweger can do little accomplished dancing or singing. Neither could Catherine Zeta Jones, who played Velma Kelly, Roxie’s rival for publicity in the scandal sheets. These ladies are among my favorite performers. Zeta Jones was pregnant during filming but was still ever so attractive.

Musically aside, the cast of this film, which included Richard Gere, were made to look and sound like real pros. This was done by not photographing the legs of the ladies when they danced solo, and taking long shots when they danced with a wonderful chorus. The singing was generally recorded with lots of background noise. It all worked. Only once, when the wonderful Queen Latifah walked across a stage with more rhythm and style than most of the dancing people, did you realize how deficient the main performers might have been in other circumstances.

The production itself is a film of the wonderful 1972 musical of the same name. The book, which is wickedly droll, was transformed into a terrific screenplay by Bill Condon (“Gods and Monsters,” for which he won an Oscar in 1999), and the supporting cast is splendid. My favorite scene, the trial, is a splendid take on circus antics in the courtroom - and out. The whole movie was choreographed by director Marshall, who excelled in double duty. The trial scene worked better on screen, even though the stage show has a bit more zing. The musical itself still runs in revival on Broadway. The movie’s skewed view of the legal system, and its frequent use of newspapers and publicity to influence juries, is both disturbing (because it hits close to home) and delightful fun. Here is the use of satire in the best vein. If American satire is more broad and visible than the artistic efforts of the English, at least it works for a large audience. A musical version of a famed murder trial, with all its glitz and pother, is not the kind of stuff that closes Saturday night.

I saw this show in New York when it starred Gwen Verdon and Chita Rivera, who, alongside Fred Astaire, make the golden triangle of Broadway continued on page 15.
profitability or true value to another firm until they are forced to do so during negotiations with a potential new firm. They are often surprised with what critical scrutiny of the numbers reveals, because often they see for the first time that, after the cost of running their practice (including their compensation), it is not as attractive as they may have thought if they were just focusing on their revenue or potential revenue column.

Another important figure to factor into this analysis is the overhead that will be attributed to you or your group by a new firm. Many mid-size and large firms have a fixed overhead number that they attribute to each attorney and it generally ranges from $150,000 to $250,000 per attorney.

Some of the issues that are certainly going to be explored in detail by any firm that you may be in discussions with include:

- Potential conflicts.
- Estimated annual gross billings of the individual or group.
- Percentage of bill realization/collections over the past 3 to 5 years.
- General description of client base and payment terms and history of the clients: e.g., small businesses, large businesses, insurance companies, self-insured.
- Bill rates that current clients pay and whether those rates would need to be raised.
- Average number of hours billed by the individual or the group members.
- Diversification of client base.
- Profitability - Revenue minus total compensation of the group and support staff minus overhead assigned to each attorney.
- Would a move adversely affect the projected annual gross billings/revenue?
- How many attorneys (partners and associates), paralegals and support staff are required to generate the current and projected revenue billings?
- Could you or your group help generate billings to other practice groups in the firm?
- Would a move adversely affect the projected annual gross billings/revenue?
- How many attorneys (partners and associates), paralegals and support staff are required to generate the current and projected revenue billings?

While it never hurts to listen to offers, partners and practice groups must proceed with an abundance of caution when making a move to another firm. It is very easy for a partner or practice group to get into the “grass is always greener” mindset, especially if things have not been going well at their current firm. However, it is extremely hard, if not impossible, to undo a move once it has been made. As anyone who has made such a move can attest, the amount of time invested in the due diligence process and educating clients as to the necessity of the move makes it very difficult to do again anytime soon.

James LaRosa, Esq. and Gary Mintz, Esq. are recruiters with Juri Staff, Inc., the exclusively endorsed legal staffing agency of the Philadelphia Bar Association. LaRosa can be reached at (215) 751-9100, extension 302 or via e-mail at jlarosa@juristaff.com. Mintz can be reached at (215) 751-9100, extension 315 or via e-mail at gmintz@juristaff.com.

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**ARTS & MEDIA**

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dancers. The show also featured wonderful Jerry Orbach, in the role now played by Gere. I loved both the film and the stage production. But one cannot overlook the fact that Gere, an actor of romantic pretensions, was here at his charming best. I don't think I've ever seen a matinee idol with a small voice come off so well as a singer and dancer. He seemed to love what he was doing, and his vibrant joy was highly contagious. Does anyone remember when Warner Brothers let Errol Flynn sing "Do You Remember Me?" So much charm, and so little a voice. Well, watching Gere was as much fun, and a lot more successful.

This is simply an excellent film. It just goes to show you that when there is magic, you don't always need the heavyweight talent. In fact, the talent here was very lightweight, just not musical in nature. In the end, that is what the magic of movie making is all about.

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Marc W. Reuben has been writing about the Arts Media since 1973.
People

Carl S. Primavera, a partner with Klehr Harrison, Harvey, Branchburg & Ellers LLP and former Chancellor of the Philadelphia Bar Association, has been elected to the Philadelphia chapter of Lambda Alpha International, an honorary land economics society.

Butler Buchanan III, a shareholder with Marshall, Dennehey, Warner, Coleman & Goggin, has been selected to chair the Defense Research Institute’s Corporate Roundtable. Among other functions, it provides a forum for the leadership of DRI and in-house counsel to discuss issues of mutual importance.

Paul S. Diamond, a partner with O’Berber, Reitmann, Maxwell & Hippel, has been appointed chair of the Pennsylvania Lawyers Fund for Client Security by the Supreme Court of Pennsylvania.

Carl D. Buchholz III, a partner with Rawle & Henderson LLP, has been appointed to serve as the Bar Association House of Delegates.

Robb W. Bender, a partner at Schnader Harrison Segal & Lewis LLP, has been re-elected for a second two-year term as president of the Pennsylvania Bar Association.

Barbara B. Zulick, a partner with Zulick & Zulick, is teaching “So You’re Getting Married...Again?” for the Main Line School Night spring 2003 term.

G. Lawrence DeMarco, a partner with DeFaro & DeFaro, P.C., discussed civil remedies for domestic violence and assault on “Law Journal TV” on WFMZ-TV on March 3.

Michael M. Meloy, a partner with Manko, Gold, Katcher & Fox, LLP, discussed Pennsylvania’s proposed safe fill regulations at a joint meeting of the Society of Women Environmental Professionals of Greater Philadelphia and the Environmental Law Committee of the Philadelphia Bar Association on Feb. 6.

R. Bruce Morrison, a shareholder with Marshall, Dennehey, Warner, Coleman & Goggin, spoke at the National Business Institute’s seminar “Bad Faith Litigation in Pennsylvania.”

John F. Ledwith, a shareholder with Marshall, Dennehey, Warner, Coleman & Goggin, participated in the seminar “Practical Training for the Claims Professional” in Stamford, Conn., on March 3 and 4.

Robert F. Zielinski, a partner with Welf, Block, Shoror and Solis Cohen LLP, has been elected chairman of the Board of Directors of the Verity Foundation.

Fred Blume, managing partner and CEO of Blank Rome LLP, gave the keynote speech at the undergraduate diploma ceremony at Temple University’s Fox School of Business and Management & School of Tourism on Jan. 31.

Joseph M. Manko, a founding partner of Manko, Gold, Katcher & Fox, LLP, has been appointed to serve as general counsel and Board member of the Prince Music Theater.

Mark C. Schultz, a member of Cozen O’Connor, has been appointed to the Judicial Conduct Board by the Supreme Court of Pennsylvania. He will serve a three-year term expiring in 2005.

Steven N. Haas, a member of Cozen O’Connor, was a featured speaker at the Ottawa Centre for Research and Innovation’s Partnership Conference Series, “Corporate Governance,” at the Sheraton Hotel in Ottawa, Canada on Feb. 24.

Stewart M. Weintraub, a partner at Schnader Harrison Segal & Lewis LLP, has been re-elected for a second two-year term as president of the Pennsylvania Bar Association’s Southern New Jersey Region of the American Jewish Congress.


Neil A. Jacobs, principal in the law firm of Neil A. Jacobs & Associates, P.C., recently discussed avoiding practice breakups and legal agreements with the medical staff of Roxborough Memorial Hospital.

David J. Shannon, an associate with Leonard, Tilley & Scioli, LLP, has been named editor of the Pennsylvania Bar Association Intellectual Property Law Section’s quarterly newsletter.

Jeremy Heep, a senior associate with Pepper Hamilton LLP, was one of four featured panelists at the March 9 forum “Race for Open Space: Is There Still Time?” The program, sponsored by the Phillips’ Mill Community Association and held near New Hope, Pa., addressed issues facing Bucks County as open space and agricultural land threatened by development.

Theodore A. Schwartz, a partner with M. Mark Mendel, Ltd., has been appointed to a three-year term on the Montgomery County Mental Health/Mental Retardation Board.

Ann T. Lofthus, a partner at Ballard Spahr Andrews & Ingersoll, LLP, has been elected vice chair of the Board of Trustees at Neumann College.

Enid H. Adler, a sole practitioner and past chair of the Association’s International Law Committee, has been appointed by Congressman Curt Weldon to the Organizational and Steering Committee of his new initiative between the Mid-Atlantic region and Russia, the U.S.-Russia Exchange Center. She and Weldon also recently met with former Russian president Mikhail Gorbachev.

Lee R. Sussman, an associate with Klehr Harrison, Harvey, Branchburg & Ellers LLP, participated as a faculty member at the recent seminar “The Essentials of Office and Retail Leases in Pennsylvania” held by the National Business Institute.

Frederick D. Strober, a partner at Saul Ewing LLP, has been elected president of Pennsylvania Volunteers for the Arts.

Andrew Davitt, a shareholder with Marshall, Dennehey, Warner, Coleman & Goggin, recently served as a speaker for the following organizations: Advantage Capital Corporation, FSC Securities Corporation and Commonwealth Securities Corporation.

Laurence H. Brown, a partner at Brooksman, Rosenberg, Brown and Sandler, has been appointed to the Pennsylvania Disciplinary Board by the Pennsylvania Supreme Court.

Timothy D. Pescenzy, a partner with Blank Rome LLP, was a speaker at the Basics of U.S. Trademark Law Seminar on Feb. 24 in Beverly Hills, Calif.

Names Are News

“People” highlights news of members’ awards, honors or appointments of a civic or community nature. Information may be sent to Jeff Lyons, Managing Editor, Philadelphia Bar Reporter Philadelphia Bar Association, 1015 Market St., 12th floor, Philadelphia, Pa. 19107-2911. Fax: (215) 238-1267. E-mail: reporter@philabar.org. Photos are also welcome.